



SMALL CENTRE TOOLKIT

NEWCOMERS TO CANADA: CATEGORIES OF CLASSIFICATION

MARCH 2019



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ACKNOWLEDGEMENTS

As we collectively strive to understand the historic and ongoing relationship between settlement and the land on which we are located, AAISA respectfully acknowledges that the province of Alberta is comprised of Treaty 6, Treaty 7, and Treaty 8 territories, and is the traditional lands of First Nations and Métis peoples.

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***Note:** Throughout this document, clicking on underlined text will direct to various websites and resources.

PERMANENT RESIDENTS (PRS)

A Permanent Resident refers to an individual who has been granted permanent status in Canada through various pathways of migration, but is not a Canadian citizen. PRs acquire the same rights to social benefits that Canadian citizens receive, have the right to live, work, or study anywhere in Canada, and can apply for Canadian citizenship. Furthermore, PRs are also protected under Canadian law and the Canadian Charter of Rights and Freedoms (CCRF).

The federal government, under the ministry of Immigration, Refugees and Citizenship Canada (IRCC), grants PR status to qualified applicants. The IRCC website has different checklists for many of the different PR application classes that detail the eligibility and application process specific to each pathway.

PATHWAYS TO PERMANENT RESIDENCE

Applicants have the opportunity to use [this questionnaire](#) to determine their eligibility to apply for Permanent Residence.

1. ECONOMIC PATHWAYS

A pathway through which newcomers can contribute to Canada's economy by meeting Canada's labour market needs.

PATHWAY	MINIMUM COST	PROCESSING TIME
EXPRESS ENTRY		
<u>Federal Skilled Worker Program</u>	\$1,040	6 months
<u>Federal Skilled Trade Program</u>	\$1,040	6 months
<u>Canadian Experience Class</u>	\$1,040	6 months
CAREGIVER		
<u>Caring for Children Program</u>	\$1,040	6 months
<u>Caring for People with High Medical Needs Program</u>	\$1,040	6 months

<u>Live-in Caregivers</u>	\$1,040	12 months
BUSINESS/SELF-EMPLOYMENT		
<u>Self-Employed Person</u>	\$1,540	24 months
<u>Start-Up Visa</u>	\$1,540	12-16 months
PROVINCIAL NOMINEE PROGRAM		
<u>Alberta Immigrant Nominee Program</u> : Includes different streams through which individuals may apply for PR	\$1,040	2 months – 2 years

- More information on applicable costs can be found in [Fee Schedule](#)
- More information on length of time for processing applications can be found in [Processing Times](#)

2. OTHER PATHWAYS

Additional pathways to Permanent Residency outside of economic categories that newcomers may be eligible to enter Canada through.

PATHWAY	MINIMUM COST	PROCESSING TIME
<u>FAMILY SPONSORSHIP</u>	\$150 per child \$1040 for spouse	Varies depending on family member <ul style="list-style-type: none"> • 11 to 20 months window
<u>REFUGEE</u>	No application fee is needed but refugees are responsible for travel costs and some settlement costs There are loans available through the Government of Canada which refugees must pay back	Varies depending on country of origin and type of refugee: <ul style="list-style-type: none"> • Government Assisted Refugees (GARs) • Privately Sponsored Refugees (PSRs) • Blended Visa Office-Referred Program Refugees (BVORs)

3. HUMANITARIAN AND COMPASSIONATE CASES

Individuals may apply for permanent residency under humanitarian and compassionate grounds if they are not eligible to become permanent residents and/or have exhausted other pathways.

PATHWAY	MINIMUM COST	PROCESSING TIME
The eligibility for humanitarian/compassionate cases examines different factors as indicated on the IRCC website .	\$1,040 \$ 150 per child	22-36 months

NATURALIZED CITIZENS

Naturalized citizens are non-Canadian born persons who acquire Canadian citizenship ([Statistics Canada](#)). Naturalized citizens gain entitlement to all rights, powers, and privileges that Canadian born citizens enjoy. Furthermore, naturalized citizens are also subject to all obligations, duties, and liabilities of a Canadian born citizen ([Canadian Citizenship Act and Current Issues](#)).

Naturalization is the process through which citizenship applicants meet the requirements and criteria to become eligible for Canadian citizenship. In order for an individual to become a Canadian citizen, individuals must fulfill a [number of requirements](#). These requirements are subject to change and are updated on the [Government of Canada website](#).

TEMPORARY RESIDENTS

Temporary Residents are individuals residing in Canada for a certain period of time as a temporary worker, an international student, or a visitor.

1. TEMPORARY FOREIGN WORKERS (TFWS)

Individuals authorized to work in Canada for the period stated in a work permit.

- [Employer-specific work permit](#) holders are workers sponsored by an employer with a [Labour Market Impact Assessment \(LMIA\)](#) to work for a company under certain terms and conditions. The following terms and conditions are included in the work permit:
 - The name of the employer

- Duration of the work-term
- Location of the work

An LMIA is a document that verifies the need to fill a position by a foreign worker because there is no individual in the Canadian labour market who is available or qualified to do the job. This document is acquired by employers to sponsor a foreign employee to work in Canada. More information on LMIA and LMIA-exempt processing can be found [here](#).

- Open work permit holders are authorized workers who do not need an employer and LMIA sponsorship to work in Canada. Individuals under this permit can work for any employer.

2. INTERNATIONAL STUDENTS

Students who applied for a study permit which is valid for the duration of the program of study. A study permit becomes invalid ninety (90) days after the completion of the program. Students desiring to remain in Canada may apply as to be a TFW or a PR, if they are eligible.

3. VISITORS

Individuals authorized to visit Canada and can stay in the country for up to six (6) months. Application rules and procedures vary depending on the individual's country of residence and nationality. Many individuals require a visa or Electronic Travel Authorization to travel in Canada. More information on visitor's visa application can be found [here](#).

REFUGEES

A refugee is internationally defined by Article 1 A (2) of the 1951 Convention relating to the Status of Refugees as:

“any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

Refugee status is a form of protection under international, regional, or national law that may be granted to individuals that meet the definition of a refugee. A refugee status document (RSD) is a confirmation that an individual has been recognized as a refugee.

The Canadian Council for Refugee adopted the above-mentioned definition and describes refugees as:

“individuals who are forced to flee from their country due to persecution.”

A refugee is different from an immigrant as immigrants **choose** to settle in another country permanently, while refugees are **forced** to flee their home country.

An overview of the Canadian refugee system can be found here. Refugee eligibility for resettlement in Canada can be found here.

REFERRAL PROCESS:

- Refugees are referred to Canada for resettlement by the United Nations High Commissioner for Refugees (UNHCR), or by another referral organization
- Refugees must fill out an application and complete security and health checks
- Refugees must pay the cost of travel to Canada. A loan is available through the Government of Canada that refugees must pay back
- Refugees receive coverage for most health services under the Interim Federal Health Program (IFHP)
- The processing time for refugee applications depends on the country of origin of the applicant and whether the individual will receive private or government sponsorship
- Individuals who receive refugee status before arriving to Canada are considered **Permanent Residents upon arrival in Canada**
- The Resettlement Assistance Program (RAP) is a contribution program funded by the Government of Canada to help Government Assisted Refugees (GARs) resettle and establish themselves in Canada

More information on the refugee referral process can be found here.

SPONSORSHIP OPTIONS:

1. GOVERNMENT ASSISTED REFUGEES (GARs)

The Government of Canada covers all initial resettlement costs for UNHCR referred refugees for a maximum of one year. Resettlement supports are administered through Service Provider Organizations (SPOs) through the Resettlement Assistance Program (RAP).

2. PRIVATELY SPONSORED REFUGEES (PSRS)

Private sponsors cover all resettlement costs up to a maximum of one year. The sponsors can include:

- Sponsorship Agreement Holders (SAHs)
- Constituent Groups (GCs)
- Groups of Five (G5s)
- Community Sponsors

More information on sponsorship application process can be found [here](#). A list of SAHs in Alberta can be found [here](#). Refugee eligibility for private sponsorship can be found [here](#).

3. BLENDED VISA OFFICE-REFERRED (BVOR) PROGRAM

The Blended Visa Office-Referral program is a joint sponsorship program between the Government of Canada and private sponsors which is available to UNHCR referred refugees. The Government of Canada provides income support for up to six months in conjunction with private sponsors who provide financial and settlement support for six (6) months up to a year.

The [Refugee Sponsorship Training Program \(RSTP\) website](#) gives an in-depth information on sponsoring a PSR or BVOR.

OTHER REFUGEE PROGRAMS:

1. JOINT ASSISTANCE SPONSORSHIP (JAS)

Joint Assistance Sponsorship enables sponsoring organizations to partner with IRCC in the resettlement of refugees who are already in Canada, and have rare and complex needs including:

- Trauma from violence or torture
- Medical disabilities
- Effects of systemic discrimination
- A large number of family members

JAS-eligible individuals are provided extended income support from the Government of Canada, as well as settlement and emotional support from private sponsors to supplement services available through RAP. Extensions under the JAS program are usually twelve (12) to twenty-four (24) months or, in exceptional circumstances, can extend up to thirty-six (36) months.

Applications for JAS can be found [here](#). Frequently Asked Questions (FAQs) about the program can be found [here](#).

2. ONE YEAR WINDOW (OYW) PROGRAM

One Year Window program supports family reunification by permitting resettled refugees to apply within one year of their arrival in Canada for the resettlement of family members who currently reside abroad. The family members identified in OYW are processed as dependants of the refugee applicant, and do not need to meet the eligibility of a refugee. Family members identified as dependants must meet the outlined OYW program requirements.

Program requirements and application processing can be found [here](#). A document checklist can be found [here](#).

REFUGEE CLAIMANTS:

Refugee claimants are asylum-seekers who are already in Canada and have made a claim for protection to the Immigration and Refugee Board of Canada (IRB). The IRB considers a person in need of protection if the individual has a well-founded fear of persecution, a risk to their life, or a risk of unusual treatment or punishment if they return to their home country.

It is important to note that refugee claimants are **not Permanent Residents** as they have not been selected for resettlement.

To become a refugee claimant, asylum-seekers must follow the application procedures of IRB:

- The application process varies based on whether a claim is made at an official Port of Entry (POE) OR INLAND AT AN IRCC OFFICE.

AT THE PORT OF ENTRY	AT AN IRCC OFFICE
An applicant may apply for a claim at an airport, seaport, or land border. The officer decides if the	An applicant may make a claim at certain <u>IRCC offices</u> .

<p>applicant is eligible to make a claim. If eligible, the officer refers the applicant to the IRB.</p> <ul style="list-style-type: none"> • The applicant is provided a document of confirmation of the application referral to IRB • The applicant has 15 days to complete all forms and submit them to IRB 	<ul style="list-style-type: none"> • The applicant must have all forms in the application package completed • The applicant must show in person that he/she have completed all the forms <p>If the officer decides that the claim is eligible, the applicant is given a date for an IRB hearing.</p>
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The steps and application forms can be found [here](#).

Applicants may check processing times on the [IRCC website](#).

- Following submission of their Basis of Claim (BOC) form, a claimant can secure a work permit and access IFHP coverage.
- For eligible claims, a hearing will take place at IRB. The IRB sends a Notice to Appear for Hearing that indicates the location and time the refugee must show up for the hearing.
 - Applicants may prepare for the hearing by reading the IRB's [Claimant's Guide](#).
- A **positive response** from IRB gives **protected person** status to the refugee claimant. This status allows the individual to stay in Canada, access some social services, and apply to become a PR. A **negative response** from IRB means that the individual must leave Canada, but the applicant can make an appeal for review.
 - A claimant who has appealed the determination but been rejected may pursue other options to remain in Canada, including:
 - A [Pre-removal risk assessment](#)
 - An [appeal to the Refugee Appeal Division \(RAD\)](#) at the IRB
 - A [judicial review by the Federal Court of Canada](#)
 - A PR application through [humanitarian and compassionate grounds](#)

FAMILY REUNIFICATION

[Family reunification](#) is one of the pillars of IRCC's current immigration policy. The [Immigration and Refugee Protection Regulations \(IRPR\)](#) allows newcomers to sponsor family members from abroad to come to Canada under certain conditions.

The [program evaluation](#) outlines sponsorship eligibility and takes an in-depth look at the family reunification program. Under the IRPR, persons who can be sponsored in the family class category include:

- Spouse, common-law partner, conjugal partner

- Dependent children, children adopted from abroad
- Parents, grandparents, and other relatives in special circumstances

FAMILY CLASS CATEGORIES:

- Sponsorship of overseas family members identified by Section R117 of IRPR.
- Sponsorship of in-Canada spouses and common-law partners who currently reside with their sponsor in Canada and who held legal status as a temporary resident upon entry to Canada as identified by Section R124 of IRPR.

ELIGIBILITY AND PROCESSING:

More information on eligibility and application procedures can be found [here](#).

More information on Family Reunification for refugees can be found in the [One Year Window Program](#).

UNDOCUMENTED INDIVIDUALS

Undocumented individuals are individuals in Canada who are without status due to having entered Canada irregularly and/or made attempts to follow procedure but have had claims or applications rejected. Undocumented individuals also include persons who fall between the cracks of the system, such as refugee claimants who are refused refugee status but are not removed from Canada because of a situation of generalized risk in their country of origin ([Canadian Council for Refugee](#)).

POSSIBLE CHANNELS TO BECOME UNDOCUMENTED:

- Temporary residents, such as TFWs, become undocumented when they remain in Canada and their visa elapses or the document permitting them to stay in Canada becomes invalid ([Undocumented Migrants in Canada](#))
- Refugees become undocumented when their application or claims have been denied by the IRB, but they remain in Canada without filing an appeal or after their removal orders have come into force

- Asylum-seekers become undocumented by entering Canada through irregular boarder crossing, but did not make a refugee claim in Canada

It is important to note that individuals who are born in Canada are granted citizenship, even if they are born to undocumented individuals (Citizenship Act Section 3(1)(a)) as natural-born citizens of Canada are entitled to birthright citizenship (*jus soli*).

OPTIONS FOR UNDOCUMENTED INDIVIDUALS TO ACQUIRE LEGAL STATUS IN CANADA:

- Individuals may renew their temporary resident visa and permit, or apply to change their status, if applicable
 - Applying for visa or permit extension gives the individual an implied status while waiting for a decision on their application.
- Individuals may consider other Pathways to PR to acquire permanent residency in Canada
- Individuals may apply through Humanitarian and Compassionate grounds, if applicable
- Asylum-seekers must apply as Refugee Claimants to acquire status in Canada

SECONDARY MIGRATION

Secondary migration refers to the movement of newcomers from their original arrival destination to another province or city. This movement occurs either shortly after landing or within the first year of arrival. Newcomers may decide to relocate from their original landing community to another community for a variety of reasons including labour market situation, family ties, cost of living, etc.

For secondary migration of GARs, the IRCC website outlines the steps and procedures that must be undertaken by IRCC officers, RAP providers, and refugee clients.

SELF-DESTINATION

Self destination occurs before or upon arrival in Canada, when a refugee or family chooses to move to an alternate destination than what was pre-selected overseas for them, either before they arrive or at the port of entry.

FORMS OF DOCUMENTATION

Different forms and documentations are required by IRCC to assess an application for legal status in Canada. Depending on the individual's newcomer category, landing papers are also issued to them by an immigration officer when they arrive in Canada. Upon arrival in the province, individuals must also obtain several documents to access social services to enjoy the benefits attached to their status in Canada.

PERMANENT RESIDENCE:

Necessary documents for newcomers (except refugees) applying for Permanent Residence may include the following:

- Medical Examination Confirmation
- Police Certificate
- Copy of Passport/Travel Document Biographic Data Page
- Proof of Work Experience
- Proof of Necessary Funds

Additional documents may be required depending on the applicant's individual circumstances. The following are examples of other forms of documentation:

- The Copy of the Birth Certificate
- The Proof of Studies
- The Provincial or Territorial Certificate of Qualification
- The Letter of Offer from the Employer
- The Use of a Representative Form [IMM 5476]
- The Evidence of a Common-Law Union and Cohabitation
- The Marriage Certificate
- The Divorce Certificate and the Legal Separation Agreement
- The Death Certificate
- The Adoption Certificate

LANDING PAPERS:

Individuals undergo a series of background checks and are given documents of confirmation upon their arrival by an immigration officer in the port of entry. These documents vary based on the status category of the newcomers.

- Permanent Residents
- Temporary Residents
- Refugees

ACCEPTABLE DOCUMENTATION:

General acceptable documentation in Alberta can be found [here](#).

Permanent Resident (PR) Card

A Permanent Resident card is an identification document that proves an individual's permanent resident status in Canada.

Social Insurance Number (SIN)

The Social Insurance Number (SIN) is a nine-digit number that newcomers need to work in Canada, or to have access to government social programs and benefits.

HOW TO APPLY	PROCESSING TIME	FEE
<ul style="list-style-type: none"> • In-person: At the nearest Service Canada office • By mail: Service Canada • Social Insurance Registration Office, PO Box 7000 Bathurst, New Brunswick E2A 4T1 Canada 	<ul style="list-style-type: none"> • In-person: During visit • By mail: 20 business days from the date the application is received 	<ul style="list-style-type: none"> • No fee

CANADIAN CITIZEN	<ul style="list-style-type: none"> • Birth Certificate • Certificate of Canadian Citizenship • Certification of Birth Abroad
PERMANENT RESIDENTS	<ul style="list-style-type: none"> • PR Card • Confirmation of PR (COPR) accompanied by a travel document or valid photo identification in the absence of PR Card • A Verification of Landing (only used to amend or obtain existing SIN record) in the absence of COPR • Status Verification (used to amend/obtain existing SIN record)
TEMPORARY RESIDENTS	<ul style="list-style-type: none"> • Work Permit • Study Permit, indicating authorization to work in Canada • Study Permit and a “confirmation to work off campus” letter • Visitor Record, indicating authorization to work in Canada • Diplomatic Identity Card and a Work Authorization issued by Global Affairs Canada

More information on required documents and steps on how to apply for a SIN can be found [here](#).

ALBERTA HEALTH CARD

All new and returning eligible Alberta residents must be registered for the Alberta Health Care Insurance Plan (AHCIP) to receive insured hospital and physician services. Eligible applicants must provide the requirements in original form along with application form when applying in person. If applying by mail, photocopies of documents and original application form should be sent. Steps on how to apply can be found [here](#).

HOW TO APPLY	PROCESSING TIME	FEE	REQUIREMENTS
In person: At the nearest authorized <u>Registry Agent locations</u> By mail: Alberta Health Attention: Alberta Health Care Insurance Plan PO Box 1360, Station Main Edmonton, Alberta, T5J 2N3	In person: 5 days By mail: 6 weeks	No Fee	<u>Supporting documents</u> that prove: <ul style="list-style-type: none"> • Alberta residency • Identity • Legal entitlement to be in Canada

ALBERTA DRIVER'S LICENCE

General requirements to apply for an Alberta licence can be found [here](#). The licence cost varies by registry agent locations and is outlined in the Registry Agent Product catalogue.

STEP 1 (LEARNER – CLASS 7)	STEP 2 (PROBATIONARY – CLASS 5 GDL)	STEP 3 (FULL – CLASS 5 NON-GDL)
Requirements: <ul style="list-style-type: none"> • Be 14 years or above • Have parental/guardian consent if under 18 years old • Pass a knowledge test • Pass a vision test 	Requirements: <ul style="list-style-type: none"> • Be 16 years old or above • Have parental/guardian consent if under 18 years old • Have had a Class 7 learner's licence for at least 12 months • Pass the basic road test 	Requirements: <ul style="list-style-type: none"> • Drive for 2 years as a Class 5-GDL driver • Have no licence suspensions during the last 12 months of the probationary stage • Pass the advanced road test

- Temporary Residents cannot acquire an Alberta driver's licence but may continue using a driver's licence from their home province or country for up to one year or may use an international driver's licence.
- Individuals can exchange licences from another province with certain conditions.
- Individuals can exchange a licence from another jurisdiction with a reciprocal licence exchange agreement with Canada. A list of territories with reciprocal licence exchange agreement can be found here.
- Individuals can exchange a licence with a jurisdiction with no reciprocal licence exchange agreement with certain conditions.
- The Graduate Driver's Licence (GDL) Program gives credit to an individual's home driver's licence and access to a road test without a need to have a Class 7 licence for a year or Class 5 GDL for two full years under certain conditions.
 - As of 2018, Refugee Claimants may now apply for a licence in Alberta (CBC News). It is indicated in the Government of Alberta website that Refugee Claimants desiring to acquire an Alberta licence must apply through the GDL Program